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THE PROBLEM OF DEMOCRATIC  
GOVERNMENT IN THE PHILIP-  
PINES—ITS SALIENT  
ASPECTS

LECTURE DELIVERED BY THE HON. SERGIO OSMEÑA,  
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SENATE AND SPECIAL REPRESENTATIVE OF  
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# THE PROBLEM OF DEMOCRATIC GOVERNMENT IN THE PHILIPPINES: ITS SALIENT ASPECTS

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(Lecture delivered by the Hon. Sergio Osmeña, president pro tempore of the Philippine Senate, and special representative of the Philippine Legislature, before the University of Michigan, Ann Arbor, December 14, 1925.)

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The continued occupation of the Philippines by the United States after the termination of the war with Spain could not be easily justified before the conscience of this great Republic. Dedicated to liberty from the very first moments of its existence it has consecrated its best efforts to the upholding of the right of nations to trace out for themselves their own destiny. To vindicate this right and in pursuance of humanitarian purposes war was declared, a war which placed Cuban territory under the protection of the Stars and Stripes. And because America emerged triumphant Cuba obtained her independence.

When on the signing of the treaty of peace which disposed of not only the fate of Cuba, but also that of other Spanish possessions, America decided to remain in the Philippines, the moral justification which she gave to the world was the desire to liberate the Filipinos from misgovernment and oppression, and to secure to them the privileges of self-government. According to the testimony of Doctor Schurman, the chairman of the first commission sent to the Philippines, the supreme consideration which moved President McKinley, and which so touched the fibers of sentiment of American hearts as to induce them to give active support to his administration was not selfish but humanitarian: “\* \* \* it was not the vanity of self-aggrandizement; it was not the greed of power and dominion; no, no; not these, but altruism, caring for the happiness of others, philanthropy relieving the Filipinos of oppression and conferring on them the blessings of liberty.”<sup>1</sup>

The immediate problem which the United States had to face when she decided to remain in the Islands was the establishment of a democratic government in which the Filipinos would have the greatest participation possible. As the Schurman Commission stated in a proclamation, “The most ample liberty of self-government will be granted to the Filipino people which is reconcilable with the maintenance of a wise, just, stable, effective, and economical administration of public affairs and compatible with the sovereign and international rights and obligations of the United States.”<sup>2</sup> Using the words of the statesman mainly responsible for American occupation of our country, the authority of the United States has been

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<sup>1</sup> J. G. Schurman, “Philippine Affairs.”

<sup>2</sup> Proclamation of April 4, 1899, Report of the Phil. Commission (1900), Vol. 1.

established in the Philippines "not to exploit but to develop, to civilize, to educate, to train in the science of self-government."<sup>1</sup> The American people were to be the bearers "of the richest blessings of a liberating rather than a conquering nation," and it was their purpose "to make them [the Filipino people] whom Providence has brought within our jurisdiction feel that it is their liberty and not our power, their welfare and not our gain we are seeking to enhance."<sup>2</sup> These declarations were not only confirmed but strengthened by the successors of President McKinley and, above all, by the congressional enactment which gave to the Filipinos an autonomous government as preliminary to complete independence.

Despite these declarations of altruistic purposes, the establishment of the new régime could not be effected without serious resistance. In the midst of war the government necessarily had to be of a military character, in which executive, legislative, and judicial powers were concentrated in one head, although the exercise of his functions could, if he so desired, be delegated to different persons or entities. It is to the credit of the American military commanders of the time that it is possible to say of them that they considered extremely dangerous a government of concentrated powers without the intervention of the people and that they established, even in the midst of armed resistance, the foundations of civil institutions. Filipinos were called upon to make recommendations regarding a system of municipal government which would be popular and eminently democratic. This system was immediately instituted in the towns occupied by American military forces. In the judicial branch, in which many Filipinos had distinguished themselves during Spanish rule, native judges and magistrates were appointed. The best known native jurist was placed at the head of our highest tribunal of justice. The public schools, the basis of order and progress, also received immediate attention. The Filipinos will never forget the inspiring spectacle of American soldiers leaving their guns and, as emissaries of peace and good will, with book in hand, repairing to the public schools to teach Filipino children the principles of free citizenship. Thus, in the earliest period of the military régime, when it would have been easy to find legalistic grounds for governing the Filipinos by pure force, there was established, as far as possible, the milder sway of civil government. Instead of excluding the natives from the government, against which the people were still in open rebellion, the representatives of the United States considered it a duty to enlist their cooperation and to listen to their counsel.

This cooperation became more manifest after the inauguration of civil government in July, 1901. Native resistance having been weakened by the fall of the government of the Philippine Republic, and the surrender of many native military chieftains, President McKinley sent to the Philippines a second commission under the presidency of Mr. Taft to exercise civil powers—powers exercised up to then by the military commander—and to offer to the Filipino people a practical illustration of the kind of government they would have under American sovereignty once peace and tranquility had been secured. In his instructions to this commission President McKinley expressly prescribed, with reference to popular participation in the government, "that in all cases the municipal officers who administer the local affairs are to be selected by the people, and that when-

<sup>1</sup> President McKinley's Message to Congress, 1899.

<sup>2</sup> Instructions to the first Philippine Commission, Jan. 20. 1899.

ever officers of more extended jurisdiction are to be selected in any way natives of the Philippine Islands are to be preferred, and if they can be found competent and willing to perform the duties they are to receive the offices in preference to others."<sup>1</sup>

Following these instructions, the Taft Commission organized the Philippine Government by the enactment of a municipal code in which local autonomy was granted to the natives, and of a provincial code by which considerable popular participation was granted in the government of the provinces; by the organization of a civil service in which, under equal circumstances, the natives, it was declared, would be given preference over Americans; by the establishment of different offices charged with governmental activities, such as the constabulary, public works, sanitation, and the insular treasury; and, finally, by the creation of four executive departments. In the establishment of local governments the commission followed, as far as possible, the same administrative divisions which had been in existence since ancient times. The "Barangay," a primary unit of local government which antedated the Spanish conquest and which the Spaniards recognized, was in essence equally respected.

One year after the Taft Commission had entered upon the exercise of its legislative labors, three Filipinos of the conservative group were appointed to its membership in order to give representation to the natives. It was not then possible to appoint members of the radical elements because these were either still in open rebellion or unwilling to accept office. But the first three Filipinos in the commission undoubtedly served public interest to the best of their ability under those circumstances and acted as advisers of the Governor General and the commission in many administrative matters and especially those referring to the appointment of Filipinos to governmental positions.

The government established at that time, although inspired by North American constitutional principles, was not strictly the American type in the sense that it was an exact copy of the Federal Government or of the government of any of the States in the Union. For example, in the Federal Government or in that of the States the Chief Executive as well as the members of the legislature are elected by the people, while in the Philippine Government of that period such officials were appointed by the President of the United States. In the Federal Government and in that of the States members of the legislature do not occupy executive positions, while in the Philippines not only was that not the case but there was express arrangement that the civil governor, who was the chief executive, and the departmental secretaries who formed his cabinet were to be at the same time president and members of the legislative commission. This system, recommended by the Schurman Commission, was similar to that adopted by Congress for organization of the successive Territories of the Union. Its immediate model was the legislation enacted for Louisiana at the time of Jefferson. Its more remote source was the colonial type which existed previous to the Revolution. It is well to note the fact that in the government headed by Mr. Taft, which President Roosevelt characterized in a message to Congress as a constitutional government, what the defenders of the presidential system termed the complete separation of powers did not exist, as it did not in the form of government first ap-

<sup>1</sup> Instructions to the Second Philippine Commission, April 7, 1900.



plied to American Continental Territories or during the colonial period. Neither did the separation of powers obtain in the English Government at the time of Blackstone, whose works influenced to no small degree the fathers of the American Constitution. And the experience of this country for a century and a half has shown the necessity of discovering methods for securing cooperation between the executive and legislative branches of the Government. Leaving aside the question whether or not the separation of powers is really characteristic of the American constitutional system, it is certain that it was never applied in the Philippines as it has been in the United States.

The truth is that it was never thought of the United States in establishing her authority over the Philippines to Americanize the Filipino people or their institutions. With all their defects, and there is no civilization or human institution without them, there existed in the Philippines on the arrival of the Americans a Christian and progressive civilization. Her inhabitants had been accustomed for centuries to a government of law and order. Americans did not propose to destroy that civilization, but to preserve and improve it. Schurman, the precursor of civil government, the American who made a thorough investigation of the islands and on whose reports America's policy was based in large part, rejected as impossible the idea of Americanizing them.<sup>1</sup> The primordial thought was to organize a native government which would not necessarily be a copy of the American constitutional system. Let us recall what President McKinley said to the second commission. "In all the forms of government, in the administrative provisions which they are authorized to prescribe, the commission should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government."<sup>2</sup>

In the discharge of his official duties, as well as in his dealings with the Filipinos, Governor Taft, and the same may be said of those who succeeded him in office, insisted emphatically that the government which had been established was for the benefit of the Filipinos, and that as they demonstrated ability to exercise political power they would be given increasing participation in the government.

The famous doctrine, "The Philippines are for the Filipinos," which characterized the Taft administration, was insistently and openly proclaimed in spite of the opposition of the great majority of Americans in the Philippines. These, quite a number of whom had come with the expeditionary troops, asked for a "strong" government, which would aim principally at the prosperity of American interests in the Philippines. Taft disregarded the severe criticisms of his fellow countrymen and continued his work with vigor, defending his doctrine, in the realization of which, according to him, "was involved the honor of the United States."<sup>3</sup>

The government by the Commission continued until October, 1907, the date of the inauguration of the first elective national assembly under

<sup>1</sup> J. G. Schurman, "Philippine Affairs."

<sup>2</sup> Instructions to the second Philippine Commission, April 7, 1900.

<sup>3</sup> W. H. Taft, "The Duty of Americans in the Philippines," December, 1903.

American rule, and from that time the national lawmaking body was composed of two chambers, the Commission or the upper house, and the Assembly or the lower house. The establishment of the Assembly was a logical and decisive step in the development of popular government. Until then the Filipino people did not have real representation in the Legislature, because although there were three Filipinos in the Commission, these did not hold office by the suffrage of the people, but by appointment from the authorities in Washington. Thereafter there was participation by the representatives of the people in the preparation and approval of the laws, and those representatives constituted in law a power equal to the Commission, at least in the affairs concerning the Christian population of the islands.

The concession of a legislative assembly was not brought about without effort. During and after the American-Philippine conflict many accusations were launched against the leaders of the Philippine Republic and against the Filipino people. None had more serious results than that which was repeated for years against the national unity of the Filipino people. This accusation which never had any foundation in fact created a profound impression among American governmental authorities and made congressional approval of the idea of an elective assembly difficult to obtain. But finally, there was incorporated in the law through the efforts of Representative Cooper, chairman of the Committee on Insular Affairs of the House of Representatives, the provision recommended by Mr. Taft. The Assembly was established during the administration of President Roosevelt, who attached great importance to this step. These were his words: "We are endeavoring to develop the natives themselves so that they shall take an ever-increasing share in the Government and as far as is prudent we are already admitting their representatives to a governmental equality with our own. If they show that they are capable of taking a sane and efficient part in the actual work of the Government, they can rest assured that a full and increasing measure of recognition will be given them."<sup>1</sup>

The Assembly was organized in 40 minutes. Although it adopted substantially the rules of the House of Representatives of the Fifty-ninth Congress, the changes introduced from the very beginning foreshadowed some of its tendencies. There was then being formed in the United States that opposition which later produced an uprising against the system that permitted the Speaker to exercise control over the affairs of the House through the chairmanship of the Committee on Rules, which he occupied. From the first day of the Philippine Assembly the Speaker never presided over the Rules Committee. On the contrary, the conduct of business was given to a committee under the chairmanship of another member of the Assembly.

In the rules of the House of Representatives of the Fifty-ninth Congress there were various committees which dealt with appropriations and one Committee on Ways and Means. In the rules of the Philippine Assembly provision was made for one appropriations committee composed of 25 members, most of whom were chairmen of other committees. The work of the Philippine Assembly during its inaugural session was received

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<sup>1</sup>Message of President Roosevelt to Congress, December 6, 1904.

by the American Government with satisfaction. The Governor General congratulated the legislature in the following terms:

"The work which has been done by the Philippine Assembly at its inaugural, first, and special sessions, of the first legislature has exceeded all expectations, and it must be eminently gratifying to the Assembly and the people whom they represent that there has been such a happy realization of all that has been expected of them, those constituting the first representative legislative body that has ever existed in the Philippines."<sup>1</sup>

Mr. Taft, then Secretary of War, who was present at the inauguration of the Assembly, returned to the United States with the report (Special Report to the President of the United States) that that body was functioning normally. President Roosevelt transmitted to Congress this report of the Secretary of War in which a thorough review was made of conditions in the Philippines and the policy followed by the United States. In a subsequent message to that body, he expressed himself in this fashion: "Hitherto this Philippine Legislature has acted with moderation and self-restraint \* \* \* the Filipino people with their officials are therefore making real steps in the direction of self-government. I hope and believe that those steps mark the beginning of a course which will continue until the Filipinos become fit to decide for themselves whether they desire to be an independent nation."<sup>2</sup>

Contrary to the prognostications of certain prophets who had anticipated all kinds of disaster for the government and for the country by the establishment of the Assembly, which they considered premature, the normal progress of the government continued, relations between the Commission and the Assembly, on one side, and these two chambers and the executive, on the other, were harmonious, and the public business obtained prompt and appropriate consideration. This was due mainly to the full comprehension by the Filipinos of their public responsibility and the rôle which they were to play in the government of their country; but a great contributory factor toward this satisfactory result during the period of the Assembly was the circumstance that there were placed at the head of the government able men with open minds and liberal sentiments, men, in short, who immediately comprehended that their duty was to aid the Assembly in order that the latter could function freely, with dispatch, with all the attributes and responsibilities of a coordinate branch of the Legislature. It would have been easy for them and for the Commission to place difficulties in the way of the Assembly. A rupture with the latter would not have obstructed the routine functioning of the government. But they did not do so. The disagreements that occurred over appropriations and other matters did not break the amicable relations which existed between the two chambers.

Responding to this course of action, the Assembly cooperated as far as possible with the Commission and the Governor General, and was an efficient instrument in the development of self-government in the Philippines and the adoption of progressive legislation. The first law enacted was an appropriation of P1,000,000 for the construction of rural primary school buildings—a measure which effectively silenced those who had prophesied destructive policies on the part of the Assembly.

<sup>1</sup> Message of Governor General James F. Smith to the Assembly.

<sup>2</sup> Message of President Roosevelt to Congress, 1908.



The first allotments of funds for inter-provincial roads were made, thereby establishing what is popularly termed the "Politica de Carreteras" (good roads policy). Our first state university of the American type was established. And, unfolding a comprehensive plan of progressive legislation, there was undertaken the reform of old and enactment of new laws of economic, social, or administrative character, such as those referring to municipal or provincial governments, sanitation, public order, normal and higher schools, land registration, production, economics and finance, and relating to conciliation of capital and labor.

The success of the Assembly justified in the eyes of the American Government the next step forward made by President Wilson<sup>1</sup> in 1913 in giving the Filipinos control of the Commission, by which was realized the plan of Filipinization announced previously by President McKinley and later confirmed by President Roosevelt, when he spoke of transforming the Philippine Government as soon as possible from a government of Americans aided by Filipinos to a government of Filipinos aided by Americans. With a native majority in both houses of the Legislature, political control of the government passed into the hands of the Filipino people. It is true that there was still the Governor General, an official appointed by the United States, who exercised control over the executive departments, but the power to chart the policy of the government which belonged to the Legislature had been taken out of the hands of the Chief Executive. And not being elected by the people and not being the head of the party which had control of the Legislature, his position was so delicate that he could hope to succeed only by gaining the confidence and obtaining the counsel of the leaders of the people.

The man who in that stage of constitutional development of the Philippines was at the head of the executive department understood that the duty of cooperating with the Filipinos in the management of their government was more imperative than before. This duty was performed. The new concession was an important step by which the sense of responsibility and political preparation of the Filipinos were again put to the test. President Wilson took this step because he had faith in the capacity of the Filipino people. And, anticipating the success of the measure, he announced that other steps would be taken "with a view to the ultimate independence of the islands and as a preparation for that independence."

As in the past, prophets of disaster arose and predicted days of gloom. Thus, again, a measure was characterized as premature. But the entire administration, as one man, faced the situation with courage and the Filipinos again emerged triumphant in the experiment. Constructive laws were approved without a single instance of disapproval by the Congress

<sup>1</sup>This step was formally announced in his message to the Filipino people, which reads as follows:

"We regard ourselves as trustees acting not for the advantage of the United States but for the benefit of the people of the Philippine Islands.

"Every step we take will be taken with a view to the ultimate independence of the islands and as a preparation for that independence. And we hope to move toward that end as rapidly as the safety and the permanent interests of the islands will permit. After each step taken experience will guide us to the next.

"The administration will take one step at once and will give to the native citizens of the islands a majority in the appointive commission, and thus in the upper as well as in the lower house of the legislature a majority representation will be secured to them.

"We do this in the confident hope and expectation that immediate proof will be given in the action of the commission under the new arrangement of the political capacity of those native citizens who have already come forward to represent and to lead their people in affairs."

of the United States. The most complete harmony characterized the relations between the Executive and the Legislature. The positions left by the Americans who retired from the service were given to Filipinos, following in this way the process of Filipinization announced 16 years previously by President McKinley and adhered to by his successors. Mindanao, our great island to the south, which has always been under military rule, was transferred to the jurisdiction of the civil authorities and never, as during that régime, was the reign of peace more complete or were the relations between Christian and non-Christian Filipinos more cordial. The Philippine Legislature during that period voted 1,000,000 pesos for the expansion of the schools in Mindanao and other places inhabited by non-Christians.<sup>1</sup>

The success of the plan of an elective assembly and a Filipino majority in the appointive commission prepared the way for new advances in the field of self-government. In 1916 Congress approved an act commonly known by the name of its author, Representative Jones, of Virginia. This law contains two essential points—an explicit promise of independence and the concession of autonomy in domestic affairs as a logical step toward fulfillment of that promise. The pledge of absolute independence, as it appears in the preamble of the law, was a compromise between the radicals in Congress who desired immediate independence (the Clarke amendment) and the conservatives who were not in favor of a specific promise of independence. But if during the discussion of the law opposition was registered against the promise of independence, that was not the case with regard to the matter of granting internal autonomy to the Filipinos. Democrats as well as Republicans thenceforth found complete justification for the step which gave to the Filipinos control of their internal affairs, thus giving in this manner the greatest emphasis to the policy announced by President McKinley from the very beginning.

Autonomy was secured by conceding to the Filipinos an elective legislature vested with general and broader legislative powers. If the two organic laws for the Philippines approved by Congress on July 1, 1902, and August 29, 1916, are compared, it will be seen that the new legislature, wholly Filipino, enjoys powers which the preceding legislature composed of the commission and the assembly did not have. The most important of these new powers is the authority to organize executive departments. Under this authority the Philippine Legislature may make or unmake the executive departments, change their designations, prescribe the powers and duties of each, and determine the process of appointment and removal of department heads by the Governor General.

The most serious difficulty encountered by the Filipinos in the reorganization of the executive departments under the new law was how to secure the unity of action necessary for the efficiency and stability of the new government. When there was only one representative body, the assembly, its speaker was spontaneously recognized as the leader of the Filipinos in the government and the authorized interpreter of popular aspirations. Now that instead of one there were three agencies which represented the people, the senate, the house of representatives, and the cabinet, the great need was the coordination of these instrumentalities so that the unity of action so essential in a government could be possible.

<sup>1</sup> Special Report, December 1, 1915, of Brig. Gen. Frank McIntyre, Chief, Bureau of Insular Affairs.

In the conferences held by the majority party of the legislature various propositions were discussed. Some declared frankly in favor of a parliamentary system, while others desired strict application of the presidential type of government. It was discovered, after some discussion, that neither the one form nor the other ought to be followed. The objection to the parliamentary form lay in the fact that in those States where the system operates most successfully the executive possesses the power to dissolve the legislature, and this authority was not given by law to the Governor General. The members of the legislature under the Jones Act held office for a fixed term. Without the counterbalancing power of appealing to the people through dissolution of the legislature, the right to cause changes in the cabinet through an adverse legislative vote would be exercised in a reckless and irresponsible manner. On the other hand, if the rigid presidential type were applied with its complete separation of powers, the Philippine legislature being elected by the Filipino people and the chief executive appointed by the President of the United States, conflicts between those two powers would be probable and effective government wanting.

The very fact that the office of Governor General is not elective is in itself an argument against the application of the presidential system in the Philippines. In that system, the Chief Executive being chosen by the nation and being the leader of the party with a majority in the legislature, is responsible, together with his party, for administration as well as legislation. His position within the party and in the country enables him to coordinate the powers of government and make them move together in harmony. A separation of powers therefore is more nominal than real. In practice there is less of separation and more of real unity of action resulting from a common responsibility to the people.

In the Philippines, this separation would have been complete and effective and, as there would be no way of holding the two powers to a common responsibility, disagreements would hamper the efficient conduct of government. In that case its organs might have functioned mechanically. But, lacking the unity of spirit which is the secret of a good constitutional system, the prompt adoption of measures required by the public welfare would not have been assured. Not only would the progress of the government have been paralyzed, but also the constant friction would have produced the impression of a lack of stability, a situation which would have been fatal under the Jones law and which is unfortunately the experience of other countries in which the executive and legislative departments were completely separated. So it was with revolutionary France where a series of constitutions based on Montesquieu's separation of powers successively failed. Constitutional stability was not attained until the necessary connection between the powers of government was provided for in the constitution of 1875. A similar adjustment is now a common feature of European constitutions. Again, in the Latin American republics conditions of instability were acute so long as the executive and legislative departments were kept separate. No improvement was noted until provision had been made for the necessary connection between these two powers.<sup>1</sup>

The formula conceived by those responsible for the new organization

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<sup>1</sup>H. J. Ford, "Representative Government."



of the executive departments was one which, without being incompatible with the provisions of the Jones law, differed in some respects from the presidential form. In the first place it was decided, in order that the currents of public opinion as far as possible may be felt in the Cabinet, that the department secretaries should be appointed, not simultaneously with the appointment of the Governor General by the President of the United States but after the organization of each legislature. The department secretaries are to hold office not indefinitely, but during the term of the Legislature at the opening of which they were appointed. The secretaries are given complete responsibility in the administration of their departments, subject to the supervision of the Governor General. Instead of keeping them distant from the Legislature under the specious pretext that thus would the independence of the Legislature be better preserved, it is provided that they may appear before either house to be heard on matters affecting their departments and that each chamber may also request them to appear to give information regarding those matters. They are united with the leaders of the Legislature in one body, the council of state, presided over by the Governor General, in order that instead of dispersion and antagonism there may be harmony in the government, that at all times a collective and responsible counsel emanating from the people may be available, and that the government may move with all efficiency. In the widest development of this system the leaders of the Legislature would sit with the Governor General as members of his cabinet. There is nothing in the Jones law which prohibits this step; it would be in accord with constitutional precedents in the Philippines. It would secure the closest harmony between the Executive and Legislature, and it would give to the initiative and recommendations of the former in matters of legislation the weight which they would necessarily lack if the Executive were to be kept apart from the representatives of the people. In such case it might then be desirable to consider a readjustment of the present system, so that the presiding officers of the two chambers would no longer be political leaders but merely judicial officers charged with guiding the debates according to legislative rules.

The working of this system of government as outlined above was highly satisfactory. During the period in which that system worked in its entirety the administration was normal, democratic, and effective. The constitutional relations between the Executive and the Legislature, which constitute the touchstone of all representative government, but especially so in the Philippines, being based on mutual understanding, remained normal and harmonious. The recommendations or suggestions of one were received by the other in a spirit of frank cooperation. The executive understood the true rôle and the responsibility of the Legislature and vice versa. He did not surrender his constitutional powers to the legislature, but neither did he invade those of the latter. Both viewed all matters submitted to their consideration exclusively from the point of view of the welfare of the Filipino people. Consequently the government as a whole could conceive, formulate, and realize constructive programs needed under the circumstances in the social order as well as in the economic and the administrative. There was established for the first time a budgetary system by which was assured the formulation of an annual fiscal policy based on a scientific examination of the income and



expenditures of the government. This is not the occasion to speak even in summary fashion of the extensive legislative labor covering all kinds of activities, from the allotment of 30,000,000 pesos for a vast program of educational extension to the concession to the provinces and municipalities of the authority necessary to issue bonds for public works; from the organization and financing of national companies for the development of our undeveloped natural resources to the creation of the bureau of commerce and industry for the purpose of fostering domestic and foreign commerce; from the establishment of the office of public welfare with all its new activities, especially for the reduction of infant mortality, to the adoption of measures leading toward the increase of our food production; and from the creation of the Philippine militia as a means of national defense to the transformation of the government of the Province of Mindanao with a view to making them a part of the general administrative system of the Archipelago.

But where the spirit of cohesion and unity of that government and the fact of its being in complete harmony with the wishes of the people can best be seen is in those measures taken on the entrance of the United States into the World War, and in the attitude of the Filipinos toward the American people in those difficult circumstances. The Filipinos not only responded liberally to every call for financial or humanitarian aid made by the American Government but they also voluntarily offered men and materials of war. The Philippine Government assumed the responsibility of maintaining public order throughout its territory, and the United States was thus enabled to withdraw her troops from the Philippines so that they may be sent to the theater of war. Her flag was kept flying in the Philippines under the safeguard of the affection of 12,000,000 Filipinos. The latter went further. Through a supreme impulse of loyalty they ceased to mention the word "independence" throughout the duration of the war, confident as they were that the entrance of the United States into the conflict meant the victory of liberty and democracy in all parts of the world.<sup>1</sup>

It is interesting to examine the position of the Governor General in our government under the Jones law. He has ceased to be the chief executive of the military régime in whom were vested or from whom emanated all the powers of government. No longer is he the chief executive of the days of the Commission when, besides being Governor General, he presided over the upper house with a controlling majority in that body. Neither is he the Governor General of the latter and more liberal era (1913-1916) in which, without having a majority in the Commission, he continued nevertheless to be a member of it and occupied no less a position than president. The Chief Executive no longer presides over the upper house. He has the veto power, but two-thirds of the vote of the Senate and House of Representatives may override it and place the vetoed measure in the hands of the President of the United States. He exercises supervision and control over the executive departments, but can not appoint anybody he pleases to positions in those departments without following the requirements of the law and obtaining the advice and consent of the Senate.

If we examine the nature of the office in the light of these constitu-

<sup>1</sup> Reply of Secretary of War Baker to the Philippine Parliamentary Mission, April, 1919.

tional precepts and the evolution effected by those democratic ideas, which have been the soul of the political institutions established by the Americans in the Philippines, we can not escape the conclusion that the Governor General no longer has the responsibilities which he previously had. The power of administrative supervision and of veto has been given to him to safeguard the rights of sovereignty and the international obligations assumed by the United States. But if they be well understood, these powers have more of a negative than positive character. It is not expected of him that he should frame the policy of the whole government, because that task is assigned to the legislature, and he is excluded from membership in the legislative body. His rôle is that of a man of lofty character with great moral prestige, beyond the reach of local partisanship, placed by the government of his country to guard impartially the integrity of the representative régime already established, and to see that the law promulgated by the representatives of the people is faithfully executed. In acting thus, he will be a salutary influence, capable of bringing together the different parts of the government and promoting efficient and wise administration.

The position of the Governor General has not changed in the least the authority, the responsibility, and the essence of American sovereignty in the Philippines. That sovereignty exists as fully as before. The legislature can not enact laws in conflict with the Jones law because the courts will declare them unconstitutional. Every bill or joint resolution, to take effect, must be approved by the Governor General. The law even after approval by the Governor General may yet be annulled by the American Congress. It is clear, then, that the rights of sovereignty have remained intact. What has happened is an increase in the local power given to the Filipino people and a corresponding decrease, naturally, in the powers of the local representative of the American Government. The aim of the present organic law is to grant us autonomy, while that of the former one was to prepare us for autonomy.

The Jones law can not be correctly interpreted in any way other than that already indicated. That is the interpretation contained in its letter and spirit. The theory of keeping the Governor General of the Philippines completely apart from the representatives of the people, besides being undemocratic, will make impossible the normal business of administration and will create a chaos without precedent in our history. Under such theory the Governor General would be isolated and, in his isolation, would find himself tempted to antagonize the representatives of the people and make undue use of the veto power. If he finds it impossible not to approve bills passed by the legislature, he may impose conditions regarding the enforcement of such measures and thus, without vetoing, he would be in a position to nullify the intent of the legislature; he may go above the laws if their enforcement limits the exercise of what is assumed to be unrestrained executive authority; he may disregard public opinion in the matter of appointments and the opinion of the heads of departments in administrative affairs; and he may surround himself with men who do not enjoy popular confidence but are willing to give him that support which he would not obtain from the legislature from which he had isolated himself. And if on top of this the Legislature also insisted upon its constitutional authority, as is its right, not surrendering to the

claims of the executive, we shall have the normal process of government broken and the progress of public business halted.

Another theory, even more illogical and more violative of the spirit and letter of the Jones law, is that which would make the Governor General the nerve center of the whole government, the dictator of its policy, and the sole leader of the nation. Then we would fare even worse than in the first days of military occupation. Our legislative chambers would be converted into mere debating societies. To speak of representative government then would be irony. There would be instituted a completely irresponsible government, because it would neither be responsible to the Filipino people, who would have no voice in the election of a chief executive, nor to the American Government and the American people because of the distance separating the Philippines from the United States. And, finally, we would make of that archipelago, inhabited by 12,000,000 souls, a mere colonial appendage of this country.

I am certain the American people will not look with approval upon such a situation. It is not based on the accepted political doctrines of this country. It is incompatible with America's policy in the Philippines and the most modern currents of opinion in the development of new democracies. Our constitutional legislation is the result of a gradual and progressive development of self-government, a process which the Filipinos were required to go through from the very first days of American occupation. Every increase in the political power of the Filipino people was given in good faith and good will. For more than a quarter of a century the Filipinos have been receiving the benefits of such a costly experiment, which they accepted not because they doubted their own political capacity but because they believed that it was a path that would also lead to liberty. Every concession was the logical result of a preceding one, and this chain of events and concessions has the indestructible strength of acquired rights. Thus it was that when, within recent years, suggestions for a reactionary policy in the Philippines were heard, President Harding, guarding the liberal tradition established without any interruption by his predecessors, came forward and declared in a categorical manner that "no backward step is contemplated, no diminution of your domestic control is to be sought."<sup>1</sup>

The idea of self-determination which at bottom is the basis of American policy in the Philippines has made much progress in the world in recent years. Great powers which yesterday exercised complete dominion over other countries and races are today loosening the ties of dependence for the benefit of weak nations. An irresistible wave is again pushing humanity toward the formation of new nations in present-day history. The British Empire has terminated its protectorate over Afghanistan; has recognized the independence of Egypt and Mesopotamia, subject to certain restrictions. It has granted self-government to Ireland and a responsible government to southern Rhodesia; it has also established a semi-responsible government in India and Malta; and it has promulgated new constitutions for Ceylon, Burma, and Nigeria. The French Government has established parliaments in Tunis and Senegal. Italy has given parliaments to Tripoli and Cyrenaica.<sup>2</sup> All these events have occurred since the approval of the Jones law for the Philippines. The example of the United States, adminis-

<sup>1</sup> Address of the President to the Philippine Mission, 1922.

<sup>2</sup> See Buell, *Atlantic Monthly*, March, 1924.

tering the Philippine Islands in trusteeship and preparing its inhabitants for self-government and absolute sovereignty, is a brilliant page in contemporary history. But that example is no longer unique.<sup>3</sup> The governmental concessions contained in the Jones law may have been appropriate at the time of its enactment, but a thorough study of the system in relation to the unparalleled progress of the Filipino people and the advance of democratic ideas the world over will perhaps find it no longer adequate. The time to advance has come. Fortunately, the next step forward is plainly indicated by the present law—a step which, when taken, will be the crowning achievement in a great joint enterprise carried to a successful conclusion by the good will of two friendly peoples.

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<sup>3</sup> Dutcher. "The Political Awakening of the East."